

BEFORE THE  
Federal Communications Commission  
WASHINGTON, D.C.

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In the Matter of )  
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Report On Technical And Operational ) WT Docket No. **02-46**  
Wireless E911 Issues )

**COMMENTS OF TRUEPOSITION, INC.**

TruePosition, Inc. (“TruePosition”) submits these comments in response to the recently released “Report on Technical and Operational Issues Impacting the Provision of Wireless Enhanced 911 Services” (“Hatfield Report” or “Report”).’

TruePosition agrees with the Report's fundamental observation. There has been a significant amount of progress toward deploying wireless E911 in recent times. TruePosition also agrees with the Report's fundamental recommendation. The Commission has played a crucial role in ensuring the deployment of wireless E911 technology and it must continue to maintain its vigilance.<sup>3</sup>

TruePosition is a leading provider of integrated wireless location technologies and services to the international wireless operator community. TruePosition owns the largest body of intellectual property in the mobile location industry and its technology provides high accuracy location in indoor, urban, suburban and rural environments. TruePosition's technology functions with all mobile phones and major air interfaces, allowing it to support the broadest base of commercial and public safety location based services on the market. TruePosition is a subsidiary of Liberty Media Corporation, which owns interests in a broad range of video programming, broadband distribution, interactive technology services and communications businesses.

See Wireless Telecommunications Bureau Seeks Comment on Report on Technical and Operational Wireless E911 Issues, WT Docket No. 02-46, *Public Notice*, DA 02-2666 (rel. Oct. 16, 2002).

3 Hatfield Report at 21

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TruePosition believes that these two fundamental points -- significant recent progress and the requirement for continued Commission involvement -- provide the parameters for the policies the Commission should now adopt. In general, the Commission should continue doing what it has done, making a priority of the matters that are within its jurisdiction and that are most important for successful completion of the work.

Before addressing some of the specifics of the Hatfield Report, we think it is important to note the most significant environmental factor affecting the wireless E911 mandate and the FCC's oversight of it. The recent progress in deployment carries a very important implication for the future. The deployment of E911 systems that has begun in some few markets will produce vast and increasing amounts of relevant information as an inevitable by-product. That information is likely to prove invaluable to all of the wireless E911 stakeholders -- consumers, public safety agencies, carriers, technology companies, and the Commission. TruePosition believes that it will affect public demand for wireless E911 service; demonstrate best practices with respect to design, deployment, and operation of wireless E911 equipment and service; and provide the Commission with benchmarks against which to gauge appropriateness of behavior within its jurisdiction. If TruePosition is correct, the addition of this information to the wireless E911 project will cause at least some of the difficulties observed in the Hatfield Report to self-correct. For example, if the public demands the deployment of wireless E911 service, it is less likely that funds intended for necessary PSAP upgrades will be diverted to other uses.<sup>4</sup> Assuming a modicum of goodwill on the part of all participants, the accretions to collective knowledge about wireless E911 deployment and operation should lead to greater

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<sup>4</sup> See *Id.* at 20 ("In some cases, states have even used funds collected for E911 modernization for other, unrelated purposes.").

efficiency and, in turn, to improved safety of life and property. Regardless of whether our optimism is warranted, the amount of relevant information will keep increasing because the volume of activity in the field keeps increasing. Both opportunities and problems will be better exposed, as the Commission has seen, for example, in the recent controversies about the locus of financial responsibility for the cost of upgrading ALI databases.

Notwithstanding this important impetus to wireless E911 installation and operation. TruePosition acknowledges that there remain significant requirements for continued FCC oversight. The Hatfield Report describes the reason correctly and succinctly:

In a fully competitive market without externalities, these changes [here referring to improved coordination among system stakeholders] would occur automatically in response to marketplace forces. In wireless E911, the situation is more complex because of, among other things, the seeming lack of adequate commercial incentives to rollout position location services that meet the needs of public safety, the presence of residual market power among some of the stakeholders, and the occurrence of network externalities.<sup>5</sup>

While there is reason to hope that commercial opportunities and public safety requirements will come into alignment reasonably quickly, the problems created by residual market power and network externalities are probably endemic over the relevant timeframe. This means that the Commission must remain involved to assure that the improvements to safety of life and property that it has pursued for nearly a decade are in fact achieved.

The Hatfield Report makes numerous recommendations and observations about the additional issues and challenges for wireless E911 going forward. TruePosition believes that certain of the recommendations should take priority with the FCC, both because they are most

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*Id.* at 22, n.41

important on the critical path to full deployment of wireless location technology and because they are fully within the FCC's jurisdiction.

Overall, as the Hatfield Report reflects, wireless E911 deployment is a systems problem that is complicated by the not unusual fact that different components of the system are independently controlled.<sup>6</sup> The most important consideration for the FCC is that, in any effort to bring deployment of the various components into alignment, it speed up the lagging factors rather than slow the leading factors. The Report correctly shows substantial sensitivity to the possibility that changes could lead to delay. "In an engineering project of the size, scope and complexity of wireless E911, there is always a danger that constantly changing requirements will lead to scheduling delays." TruePosition believes that the Commission's best approach is to concentrate on the lagging factors that it can influence directly (that is, where it has jurisdiction) and to intervene only where careful, contemporary analysis has shown it to be necessary.

**As** the Report reflects, many of the potential obstacles to full implementation of wireless E911 are outside of the FCC's immediate control. The two areas where the Commission's jurisdictional basis is strongest involve the wireless carriers and the local exchange companies. This is where the Commission has devoted most of its regulatory attention to date and where its persistence has begun to produce the desired result. It should remain the focus of the Commission's attention.

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*Id.* at 21-22.

<sup>7</sup> *Id.* at 40. Recognition of this potential problem leads to the recommendation that the FCC "avoid the addition of new requirements during this critical stage of the rollout ... ." *Id.*

The Hatfield Report deals with the carrier issues from the perspective of technology selection and installation and with the LEC issues from the perspective of readiness to supply necessary inputs to the overall wireless E911 system.

As to the carrier issues, the Report notes that the initial discovery, development, and evaluation phase for wireless technology is largely complete. We agree with this assessment. Technology unquestionably capable of providing the level of accuracy mandated by the Commission is available. Installation is largely accomplished in several major markets. This progress forms the basis for what we understand to be the main thrust of the Report's recommendations, with which we agree, that the Commission's principal regulations should be maintained with respect to implementation timing and location accuracy in light of the fact that technology is available for deployment. This should further form the basis of the FCC's national policy in regard to wireless E911.

TruePosition also agrees with the Report that the ability of the smaller/rural carriers to meet the mandate is an important issue. Its response has been to extend an offer to the Rural Carrier Association members that would permit them to make a cooperative buy of our technology, with quantity discounts and the inclusion of angle of arrival technology where necessary to supplement TDOA.<sup>8</sup> We believe that this type of offer should assist in making sure that smaller carriers are able to comply with the Commission's rules without further compromises.

As to LEC readiness, TruePosition believes that the FCC should continue to give LEC provisioning very close attention. LEC provisioning is a major obstacle to wireless location

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<sup>8</sup> A press release describing the offer is included as Attachment A

deployment and it is fully within the FCC's jurisdiction. The most important contribution the FCC can make is to delineate clearly the responsibilities of each of the actors that needs to cooperate to implement E911. Much of the recent progress is attributable to FCC decisions that clarified obligations; specifically, the PSAP readiness order<sup>9</sup> and King County Letter<sup>10</sup> as well as the clarification that cost recovery requirements applied only to PSAPs and not to carriers.<sup>11</sup> The Wireless Bureau's inquiries with respect to LEC readiness<sup>12</sup> and its recent action clarifying responsibility for the cost of upgrading the automatic location database<sup>13</sup> are also examples of the type of action that can reduce obstacles to wireless E911.

The other Report recommendations are important, but are either of lower priority or outside of the FCC's jurisdiction.

As to PSAP readiness, TruePosition believes that the larger municipalities have made a good deal of progress in preparing for the introduction of wireless location technology. If this perception is correct, there is genuine progress in providing wireless E911 coverage to the largest part of the population. In addition, the ongoing educational efforts of APCO, NENA, and NASNA have significantly aided the smaller PSAPs in apprehending and meeting the formal

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<sup>9</sup> Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems: Petition of City of Richardson, Texas, CC Docket No. 94-102, *Order*, 16 FCC Rcd 18982 (2001).

<sup>10</sup> Letter from Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, to Marlys R. Davis, E911 Program Manager, King County, Washington dated May 7, 2001; Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket 94-102, *Order on Reconsideration*, 17 FCC Rcd 14789 (2002).

<sup>11</sup> Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Second Memorandum Opinion and Order*, 14 FCC Rcd 20850, ¶¶ 19-23 (1999).

<sup>12</sup> Letters from Tom Sugrue, Chief, Wireless Telecommunications Bureau to ALLTEL Corporation and five other major LECs, July 29, 2002.

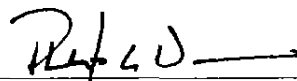
<sup>13</sup> Letter from Tom Sugrue, Chief, Wireless Telecommunications Bureau, to BellSouth Corporation, et al., re: Responsibility for Costs of E911 Phase II All Database Upgrades, October 28, 2002.

requirements for making a valid request for wireless location information. Taken together, this suggests that it may not be necessary for the FCC or the executive branch to develop a formal program designed to enable the PSAP players to meet their obligations,

The related issue of PSAP funding remains serious, especially in light of the diversion of E911 cost recovery moneys to cover state government fiscal shortfalls. As noted, TruePosition believes that this admitted problem may have a self-correcting aspect. As wireless location is implemented, it will produce material improvements in safety of life and property. **As** dramatic episodes of the technology's effectiveness come to light, it may well create a public demand for installation in every community, making the diversion of funds politically inexpedient

The Hatfield Report correctly notes that wireless E911 is an important component in improving overall domestic security and thus could and should benefit from improved coordination at the federal level. TruePosition agrees with this assessment

Respectfully submitted,



Philip L. Verveer  
David M. Don

WILLKIE FARR & GALLAGHER  
1875 K Street  
Washington, D.C. 20006  
(202) 303-1000

ATTORNEYS FOR TRUEPOSITION, INC.

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780 Fifth Avenue  
King of Prussia, PA 19406

#### Contact

Michael Amarosa  
212-301-2814

mamarosa@trueposition.com

+1.610.680.1000 tel  
+1.610.680.1199 fax  
info @ trueposition.com  
www.trueposition.com

## Location Company Encourages E-911 Deployment With New Offering

TruePosition combines new location system with attractive pricing and performance guarantee to the rural carrier community.

**King of Prussia, PA, October 14, 2002** – TruePosition Inc, a leading provider of integrated wireless location products and services, today announced the availability of a wireless location platform specialized for small to medium sized wireless operators. The system is designed to give such operators additional flexibility in a more efficient and cost effective package.

The solution uses the same core U-TDOA (Uplink Time Difference of Arrival) location platform TruePosition has used in over 15 successful trial and commercial deployments throughout the U.S., and combines it with enhanced central office equipment that is designed specifically for the smaller operator. The enhanced system centralizes technology in a manner consistent with an operator's network architecture and footprint, eliminating components not necessary for operators without national deployments.

This unique combination allows TruePosition to offer its solution at a reduced overall cost, without affecting performance or the ability to offer services beyond E-911 location. TruePosition is combining its offering with its traditional guarantee of system performance, assuring that the wireless operator will be able to meet the needs of the FCC in a package that is affordable and can be scaled to meet future network and commercial service needs.

"We recognize that small to medium sized wireless operators face unique challenges when it comes to providing emergency location to their customers," said Kent Sander, President and Chief Operating Officer of TruePosition. "This optimized solution will allow operators to bring critical emergency location services to their subscribers in a shorter time frame for a reduced overall cost," added Mr. Sander.

Additionally, TruePosition is offering its solution with specialized pricing in conjunction with, and to members of the Rural Cellular Association (RCA).

#### *About TruePosition*

TruePosition is a leading provider of integrated wireless location technologies and services to the international wireless operator community. TruePosition's technology provides high accuracy location in indoor, urban, suburban and rural environments and functions with all mobile phones and major air interfaces, allowing it to support the broadest base of commercial and public safety location based services on the market. TruePosition is a subsidiary of Liberty Media Corporation (NYSE: L, LMC B), which owns interests in a broad range of video programming, broadband distribution, interactive technology services and communications businesses. Liberty Media and its affiliated companies operate in the United States, Europe, South America and Asia with some of the world's most recognized and respected brands, including Encore, STARZ! Discovery, QVC, and Court TV. For more information, visit [www.trueposition.com](http://www.trueposition.com).

Press Release